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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------------------|------------------------|
| 10/647,350 | 08/26/2003 | Yung-Cheng Lee | BHT-3111-355 | 3495 |
| 7590 BRUCE H. TROXELL SUITE 1404 5205 LEESBURG PIKE FALLS CHURCH, VA 22041 | | 09/18/2007 | EXAMINER SANDOVAL, KRISTIN D | |
| | | | ART UNIT 2132 | PAPER NUMBER |
| | | | MAIL DATE 09/18/2007 | DELIVERY MODE PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/647,350 | LEE ET AL. | |
| | Examiner | Art Unit | |
| | Kristin D. Sandoval | 2132 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 27 June 2007.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-13 and 15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-13 and 15 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 26 August 2003 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date, _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-13 and 15 are pending. Claim 14 is cancelled.

Response to Arguments

2. Applicant's arguments with respect to claims 1-13 and 15 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3, 4 and 8-13 rejected under 35 U.S.C. 103(a) as being unpatentable over Waggamon et al. (Waggamon), U.S. Patent No. 6,049,289 in view of Ananda, U.S. Patent No. 6,671,813.

As per claims 1, 3, 4, 8, 9 and 13:

Waggamon substantially teaches an encoding device comprising:

a mode selector used to provide a mode select value (5:22-29);

a controller, by which an identity and said mode select value are received to generate a control signal in plaintext (4:43-5:8);

a 64 bit symmetric key stored in a non-volatile memory and an encryptor, which receives said control signal and applies said key to encrypt said control signal to a ciphertext (5:9-34); and

a RF modulator, which modulates and outputs said ciphertext (4:13-30).

Waggamon fails to teach a timer used to provide a transmitting time and a time between operations. However, Ananda discloses a clock timer and a transmitted time that is transmitted to a controller in an authorization message where the controller receives the transmitted time and calculates the time in between the transmitting and receiving (11:32-44).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to simply substitute a counter as disclosed by Waggamon with a clock as disclosed by Ananda, since the clock from Ananda would produce the same predictable result in Waggamon of a transmitting time and a time between operations.

As per claim 10:

Waggamon further discloses a device wherein an initial value of the timer is a random number (4:53-54, 5:1-8).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to simply substitute a counter as disclosed by Waggamon with a clock as disclosed by Ananda, since the clock from Ananda would produce the same predictable result in Waggamon of a transmitting time and a time between operations.

As per claim 11 and 12:

Waggamon further discloses a device wherein the timer is realized by a logic circuit on a single chip (4:13-31).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to simply substitute a counter as disclosed by Waggamon with a clock as disclosed by

Ananda, since the clock from Ananda would produce the same predictable result in Waggamon of a transmitting time and a time between operations.

4. Claims 2, 5, 7 and 15 rejected under 35 U.S.C. 103(a) as being unpatentable over Waggamon in view of Ananda as applied to claims 1 and 13 above, and further in view of Kawaguchi, U.S. PG-PUB 2002/0099967.

As per claims 2 and 5:

Waggamon and Ananda fail to teach a 32 bit timer. However, Kawaguchi discloses a 32 bits timer resulting in a 32 bit time (paragraph 0093).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to utilize a 32 bits timer as opposed to a 16 bits counter because this would allow larger numbers to be used.

As per claim 7:

Waggamon and Ananda fail to teach a 2 byte identity value. However, Kawaguchi discloses a 2 byte Specifier and node ID (paragraphs 0070 and 0090).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to utilize a 2 byte identity value as opposed to the 24 bit identity value in Waggamon in order to decrease the amount of bits dedicated to the identity value.

As per claim 15:

Waggamon substantially teaches activating an encoding device and a counter and encrypting the transmitting time and identity and the mode value (5:9-49). Waggamon fails to teach a timer. However, Ananda discloses a clock and a transmitting time (11:32-44). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to simply

substitute a counter as disclosed by Waggamon with a clock as disclosed by Ananda, since the clock from Ananda would produce the same predictable result in Waggamon of a transmitting time and a time between operations.

Waggamon fails to teach checking whether the decoding device has been activated during a set time period and if it isn't then to stop timing and if it is then sending an encrypted signal with no mode value. However, Kawaguchi discloses checking a state on a decoder and suspending the timer if the state is idle and sending a transmission if the state is active (paragraph 0093). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to check if the decoder is activated in order to avoid wasting time sending signals to a decoder that is not activated.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristin D. Sandoval whose telephone number is 571-272-7958. The examiner can normally be reached on Monday - Friday, 8:00-5:30.

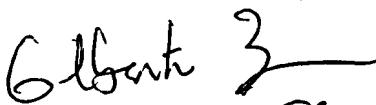
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kristin D Sandoval
Examiner
Art Unit 2132

KDS

KDS


GILBERTO BARRON JR
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